

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-071935

09/17/2013

HONORABLE EILEEN S. WILLETT

CLERK OF THE COURT

S. Stewart

Deputy

IN RE THE MARRIAGE OF
MARY SHERINA ANN CONDON

MARY SHERINA ANN CONDON
12219 W WINDROSE DR
EL MIRAGE AZ 85335

AND

JASON T MARSHALL

JASON T MARSHALL
10737 W RUTH AVE
PEORIA AZ 85345

DOCKET-FAMILY COURT CCC
TIMOTHY NELSON
8490 S POWER ROAD SUITE 105164
GILBERT AZ 85297

NOTICE TO PETITIONER/RESPONDENT: If you have a protected address, you must contact the person appointed below and provide contact information within 10 days of the date of this minute entry.

APPOINTMENT OF BEST INTERESTS ATTORNEY FOR CHILDREN

IT IS ORDERED appointing **Timothy Nelson (480) 802-1896** as a Best Interests Attorney to represent the best interests of the children. According to Rule 10(E), Arizona Rules of Family Law Procedure effective January 1, 2006, a Child's Attorney or a Best Interests Attorney shall participate in the conduct of the litigation to the same extent as an attorney for any party. The Best Interests Attorney shall attend all hearings and participate in trials or evidentiary hearings by offering evidence, examining witnesses, etc. The Best Interests Attorney shall not submit a report or testify in court. If the Best Interests Attorney chooses to waive his or her

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appearance at a proceeding, the Best Interests Attorney's position will not be presented to, or considered by, the Court.

IT IS FURTHER ORDERED that this appointment shall continue until the entry of a Decree, Order or Judgment that fully adjudicates all pending legal decision-making and parenting time issues unless the Best Interests Attorney is earlier released by the Court.

IT IS FURTHER ORDERED that the Best Interests Attorney shall have authority to:

- a) Meet with the children at any location where the children may be located;
- b) Meet and interview the parents, spouses, significant others, and all adults living in the household;
- c) Visit the home(s) of the parents to determine if the environments are appropriate for the children;
- d) Investigate and review both parents', their spouses' and significant others' backgrounds with regard to criminal arrests and convictions;
- e) Determine if drug testing by either or both parents is needed;
- f) Review the children's school/daycare records, Parenting Skills records, psychological evaluations, and counseling records;
- g) Visit and interview the children's daycare provider; and
- h) Review law enforcement, court, or Child Protective Services reports concerning the children.

IT IS ORDERED that any and all day care, parenting time supervisors, schools, school districts and personnel thereof shall fully cooperate with the Best Interests Attorney representing the children in this action by allowing the Best Interests Attorney to interview the children and allowing access to all educational records of the children, including but not limited to records pertaining to day care/school attendance, behavior, academic progress, and psychological evaluations, and shall discuss the contents and meaning thereof with him/her.

IT IS FURTHER ORDERED that any and all hospitals, doctors' offices and personnel thereof shall fully cooperate with the Best Interests Attorney representing the children in this matter by allowing access to all medical/dental records of the children, including but not limited

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to records pertaining to diagnosis, treatment, and prognosis, and shall discuss the contents and meaning thereof with him/her.

IT IS FURTHER ORDERED that any and all police department, sheriffs' department, law enforcement agencies, and personnel thereof shall fully cooperate with the Best Interests Attorney representing the children in this matter by allowing access to all police/sheriff/law enforcement records and reports of the children's parents, stepparents, or significant others of the parents, including but not limited to records pertaining to arrests, convictions, and narrative reports.

IT IS FURTHER ORDERED that Child Protective Services, the Department of Economic Security, the Department of Health Services and personnel thereof shall fully cooperate with the Best Interests Attorney representing the children in this matter by allowing access to all records and reports of the children, children's parents, stepparents, or significant others of the parents, including but not limited to records pertaining to sexual abuse, parenting skills, behavior, psychological/psychiatric evaluations, and allegations of child abuse, sexual abuse and neglect.

The Best Interests Attorney shall attend all court hearings concerning the children unless excused by the Court upon written motion, and shall participate in the conduct of litigation to the extent authorized by Rule 10, Arizona Rules of Family Law Procedure.

The Best Interests Attorney has limited immunity consistent with Arizona case law applicable to Officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Best Interests Attorney shall be brought to the attention of the Court in writing.

IT IS FURTHER ORDERED the Petitioner shall be responsible for and pay 0% of the Best Interests Attorney's fees, and the Respondent shall be responsible for and pay 50% of the Best Interest Attorney's fees, until further order of the Court. All fees shall be paid in advance as determined by the Best Interests Attorney. The Best Interests Attorney shall keep accurate records of services rendered and fees paid by each party.

IT IS FURTHER ORDERED declaring Petitioner/Mother indigent and therefore unable to compensate the Best Interests Attorney and directing the Office of Contract Counsel to pay the remaining fees pursuant to their contract.

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IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

HONORABLE EILEEN S. WILLETT
SUPERIOR COURT JUDGE

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.